

**REMARKS**

In view of the above-amendatory matter and remarks to follow, reconsideration and allowance of this application are respectfully requested.

The drawings were objected to because Figures 6, 7, 8A, 8B and 9 should be designated by a legend such as "Prior Art." Accordingly, replacement drawing sheets containing the required corrections are submitted herewith. It is requested that the objection to the drawings be withdrawn.

The disclosure was objected to because of an informality. The specification has been amended to provide a brief description of Figures 5A, 5B, 8A and 8B. It is submitted that no new matter has been added. It is requested that the objection to the disclosure be withdrawn.

Claims 9 and 18 were objected to under 37 CFR 1.75(c) as being of improper dependent form for failing to further limit the subject matter of a previous claim. Claims 9 and 18 have been amended to explicitly recite "a member to be tightened." It is requested that the objection to claims 9 and 18 be withdrawn.

Claims 1, 2, 5-9 and 14-18 were rejected under 35 U.S.C. 112, second paragraph, as being incomplete for omitting essential structural cooperative relationships of elements, such omission amounting to a gap between the necessary structural connections. The Examiner asserts that claim 1 fails to set forth the purpose/function of the "pattern of projections and depressions" with respect to the claimed invention, where recitation of "a pattern of projections and depressions is formed on the surface of each of the band main body, the lever plate, and the lever-plate fixing member" provides no criticality in the claimed invention.

Independent claims 1 and 2 have been amended to specify that the pattern of projections and depressions is formed on the inner and outer surfaces (inner and outer periphery as recited in claim 2). Support for these amendments is clearly shown in Figure 1 of the drawings and the description in the application as filed. Since claims 1 and 2 recite sufficient structural features including, among other things, a pattern of projections and depressions, it is submitted that the requirements of 35 USC 112, second paragraph, are satisfied. For completeness sake, however, a few of the purposes/functions of the pattern of projections and depressions is to widen the applicable range of the diameter of the member to be tightened by the tightening band, and increasing of frictional resistance, as discussed at least in the application at page 10, lines 10-17 and line 24 to page 11, line 5. It is requested that the rejection of claims 1, 2, 5-9 and 14-18 under 35 USC 112, second paragraph, be withdrawn.

Claims 10 and 12 were rejected under 35 U.S.C. 112, second paragraph, as being incomplete for omitting essential steps, such omission amounting to a gap between the steps.

Claim 10 has been amended to include the step “providing a band main body including ....” as suggested by the Examiner. Accordingly, it is requested that the rejection of claims 10 and 12 under 35 USC 112, second paragraph, be withdrawn.

Claims 1, 2, 5-9, 14 and 18 were rejected under 35 USC 103(a) as being unpatentable over Matsuno et al. (US Patent 4,701,982) in view of Donley (US Patent 4,660,870). Claims 1 and 2 have been amended to recite various additional features. In particular, and as mentioned above, claims 1 and 2 have been amended to specify that the pattern of projections and depressions is formed on the inner and outer surfaces (inner and outer periphery as

recited in claim 2). Claims 1 and 2 further have been amended to include the feature recited in claims 6 and 15, namely, that the depth of each depression is 2  $\mu\text{m}$  to 30  $\mu\text{m}$ . Claims 6 and 15 have been cancelled. Claims 1 and 2 also have been amended to state that the member to be tightened is a plastic material member or a rubber material member. Support for this feature is set forth in the application on page 26, lines 1-2.

In the office action under reply, the Examiner asserts that Donley teaches a tightening band having a mesh pattern of projections and depressions, and refers to element 108 in Figure 12 in support thereof. Donley, in column 4, lines 17-19, describes that clamp band 108 has “knurling 108 on its inner surface, to more effectively grip the clamped object.” Hence, Donley does not disclose a pattern of projections and depressions on the outer surface or periphery of the band or other components. Since Matsuno also does not disclose this feature, the combination of Matsuno and Donley would not produce a tightening band having the features recited in claims 1 and 2 of the present application. In addition to this structural difference, the placement of this pattern on the inner and outer surfaces is effective in achieving the purpose of winding the applicable range of the diameter of a member to be tightened by the tightening band. In other words, expansion and contraction stabilizes when the pattern is formed on both sides, and the range of the expansion and contraction widens. Moreover, warping may occur when the pattern is formed on only one side, and cost increases to produce a band with the pattern only on a single side due to increased

manufacturing difficulties. Hence, the present invention provides multiple advantages over the prior art.

Still further, neither Matsuno nor Donley discloses depressions of 2  $\mu\text{m}$  to 30  $\mu\text{m}$ . The Examiner asserts (in connection with the discussion of claims 6 and 15) that “[i]t would have been obvious ... by having each depression a depth of 2  $\mu\text{m}$  to 30  $\mu\text{m}$  since it is within the routine skill in the art to select sizes of structural features of a device for their desired purpose” (Office Action, page 5). First, neither reference discusses the benefits/disadvantages of different size depressions. Second, the present application describes the features and benefits of providing depressions with a depth in the range provided. In particular, the depth range effectively achieves an increase in frictional resistance for the boot made of at least plastic material or rubber material. Third, there is no suggestion in the prior art that such a depth would have been selected by one of ordinary skill in the art. Accordingly, in order for the Examiner to properly establish that selection of the depth range provided is “within routine skill in the art” or would have been obvious to one of ordinary skill in the art, it is requested that the Examiner provide a suitable reference that discloses such. In any event, the combination of Matsuno and Donley insufficiently establish that the invention as recited in claims 1 and 2 would have been obvious.

In view of the foregoing reasons, independent claims 1 and 2 are patentably distinct and unobvious over the cited art. It is therefore requested that the rejection of claims 1 and 2 under 35 USC 103(a) be withdrawn.

Since claims 5, 7-9, 14 and 18 depend from either claim 1 or claim 2, the foregoing amendments and discussion of claims 1 and 2 are equally applicable to these claims, and are believed to obviate the rejection of such claims.

Claims 4 and 13 were rejected under 35 USC 103(a) as being unpatentable over Matsuno et al. in view of Donley and Armbruster et al. (US Patent 4,203,020). Since claims 4 and 13 depend from either claim 1 or claim 2, and since Armbruster does not disclose the aforementioned deficiencies of Matsuno and Donley, the foregoing discussion of claims 1 and 2 applies to claims 4 and 13, and is believed to obviate the rejection of claims 4 and 13. Moreover, it appears that it is improper to combine the teachings of Armbruster to the teachings of Matsuno and Donley to reject the claims. Armbruster pertains specifically to a method of resistance welding of wires to a massive workpiece. Armbruster and Matsuno/Donley are non-analogous art. Wires are not welded to the clamps shown in Donley or Matsuno. Hence, one of ordinary skill in the art would not look to Armbruster for any teaching. It is therefore requested that the rejection of claims 4 and 13 in view of Matsuno et al., Donley and Armbruster et al. is improper.


Claims 10 and 12 were rejected under 35 USC 103(a) as being unpatentable over Matsuno et al. in view of Donley, Armbruster et al., Sheu et al. (US Patent 5,025,547) and Jansen et al. (U.S. Patent 4,896,402). Claim 10 has been amended to recite that the pattern of projections and depressions having a depth of 2  $\mu\text{m}$  to 30  $\mu\text{m}$  are formed on the inner and outer surfaces of the metallic plate. Accordingly, since none of the cited references discloses

these features (also see above discussion with regard to claims 1 and 2), the combination of these five references would not produce the process recited in independent claim 10, as well as dependent claim 12. Moreover, it is submitted that it is improper to combine the teachings of these five references to reject the claimed invention for reasons also discussed. In particular, Armbruster represents non-analogous art. Accordingly, it is requested that the rejection of claims 10 and 12 under 35 USC 103(a) be withdrawn.

New claims 19 and 20 are presented. The allowance of new claims 19 and 20 is solicited.

In view of the foregoing, reconsideration and allowance of this application are respectfully requested.

Respectfully submitted,

By   
Mark Montague  
Reg. No. 36,612

COWAN, LIEBOWITZ & LATMAN, P.C  
1133 Avenue of the Americas  
New York, New York 10036-6799  
(212) 790-9200